

1  
2  
3  
4  
5 IN THE UNITED STATES DISTRICT COURT  
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
7  
8

9 IN RE: TFT-LCD (FLAT PANEL) ANTITRUST  
10 LITIGATION

No. M 07-1827 SI  
MDL. No. 1827

11 This Order Relates to:

**ORDER SUGGESTING REMAND TO  
TRANSFEROR COURTS**

12  
13 *The AASI Creditor Liquidating Trust, by and  
through Kenneth A. Welt, Liquidating Trustee v.  
AU Optronics, et al., Case No. 3:11-cv-5781 SI*

14  
15 *CompuCom Systems, Inc. v. AU Optronics Corp.,  
et al., Case No. 3:11-cv-6241 SI*

16  
17 *Interbond Corp. of America v. AU Optronics  
Corp., et al., Case No. 3:11-cv-3763 SI*

18  
19 *MetroPCS Wireless, Inc. v. AU Optronics Corp.,  
et al., Case No. 3:11-cv-829 SI*

20  
21 *Office Depot, Inc. v. AU Optronics Corp., et al.,  
Case No. 3:11-cv-2225 SI*

22  
23 *Tech Data Corp., et al. v. AU Optronics Corp., et  
al., Case No. 3:11-cv-5765 SI*

24  
25 *Tracfone Wireless, Inc. v. AU Optronics Corp., et  
al., Case No. 3:10-cv-3205 SI*

26  
27  
28 The Judicial Panel on Multidistrict Litigation (JPML) transferred to this Court for coordinated  
pretrial proceedings numerous antitrust actions relating to an alleged conspiracy to fix the prices for thin  
film transistor-liquid crystal display (TFT-LCD) panels, which are used in computer monitors, flat panel

1 television sets, and other electronic devices. The above-captioned actions were among the cases  
2 transferred to this Court pursuant to the JPML's April 20, 2007 transfer order and this Court's July 3,  
3 2007 related case pretrial order #1.

4

5 Title 28 U.S.C. § 1407(a), pursuant to which these cases were transferred here, provides in  
6 relevant part:

7 When civil actions involving one or more common questions of fact are pending  
8 in different districts, such actions may be transferred to any district for  
9 coordinated or consolidated pretrial proceedings. Such transfers shall be made by  
10 the judicial panel on multidistrict litigation ... upon its determination that transfers  
11 for such proceedings will be for the convenience of parties and witnesses and will  
promote the just and efficient conduct of such actions. *Each action so transferred  
shall be remanded by the panel at or before the conclusion of such pretrial  
proceedings to the district from which it was transferred unless it shall have been  
previously terminated.*

12 (emphasis added). Once "coordinated or consolidated pretrial proceedings" have been completed in the  
13 transferee court, the transferred cases must be remanded to their original courts (whether for trial or  
14 otherwise). *Lexecon Inc. v. Milberg Weiss Bershad Hynes & Lerach*, 523 U.S. 26, 28 (1998). The  
15 authority to do so, however, rests entirely with the JPML; this Court lacks the power to remand an action  
16 transferred to it under Section 1407. *See id.* (noting § 1407(a) "imposes a duty on the Panel to remand  
17 any such action to the original district 'at or before the conclusion of such pretrial proceedings'"). The  
18 transferee judge may recommend remand of an action to the transferor court by filing a suggestion of  
19 remand with the Panel. *See* Panel Rule 10.1(b)(i).

20

21 The Court concludes that the purposes behind consolidating these related actions in this Court  
22 have now been served. The Court has addressed numerous discovery disputes, dispositive motions, and  
23 other pretrial issues involving facts and legal questions common to the various cases in this MDL  
24 proceeding. No further pretrial motions raising common questions are pending in these cases, and  
25 remand to the transferor courts appears to be in the interest of judicial efficiency.

26

27 ///

28 ///

1           Accordingly, pursuant to Rule 10.1(b)(I) of the Rules of the Judicial Panel on Multidistrict  
2 Litigation, the Court SUGGESTS that the Panel REMAND the following cases to their transferor courts:

3           *The AASI Creditor Liquidating Trust, by and through Kenneth A. Welt, Liquidating Trustee v.*

4           *AU Optronics, et al.*, Case No. 3:11-cv-5781 SI

5           *CompuCom Systems, Inc. v. AU Optronics Corp., et al.*, Case No. 3:11-cv-6241 SI

6           *Interbond Corp. of America v. AU Optronics Corp., et al.*, Case No. 3:11-cv-3763 SI

7           *MetroPCS Wireless, Inc. v. AU Optronics Corp., et al.*, Case No. 3:11-cv-829 SI

8           *Office Depot, Inc. v. AU Optronics Corp., et al.*, Case No. 3:11-cv-2225 SI

9           *Tech Data Corp., et al. v. AU Optronics Corp., et al.*, Case No. 3:11-cv-5765 SI

10           *Tracfone Wireless, Inc. v. AU Optronics Corp., et al.*, Case No. 3:10-cv-3205 SI.

11

12

**IT IS SO ORDERED.**

13

14

Dated: February 24, 2015

15

16

17

18

19

20

21

22

23

24

25

26

27

28

  
\_\_\_\_\_  
SUSAN ILLSTON  
United States District Judge